

## HCS SB 676 -- POLITICAL SUBDIVISIONS

SPONSOR: Sater

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Emerging Issues by a vote of 9 to 0. Voted "Do Pass with HCS" by the Select Committee on General Laws by a vote of 7 to 2.

This bill contains provisions relating to political subdivisions, small wireless facilities, Department of Transportation vehicles, and limited liability companies, and circuit court judges.

### LAWS LIMITED BY POPULATION (Section 1.100, RSMo)

Currently, any law limited in its operation to political subdivisions having a specified population or assessed valuation is deemed to include all political subdivisions that thereafter acquire the specified population or assessed valuation and those in the category at the time the law passed. This bill provides that once a political subdivision comes under operation of a law, a subsequent loss of population does not remove the political subdivision from operation of the law.

This provision is similar to SB 949 (2016).

### COUNTY BUDGET DECREASE (Section 50.622)

Currently, a provision allowing counties to decrease their annual budgets expires on July 1, 2016. This bill extends the expiration date to July 1, 2026.

This provision is the same as SCS SB 326 (2015).

### INSTALLATION OF FIRE SPRINKLERS (Section 67.281)

Currently, builders of one and two family dwellings must offer to install fire sprinklers in the home. This provision has an expiration of December 31, 2024. This bill removes the expiration date.

### SMALL WIRELESS FACILITIES DEPLOYMENT ACT (Sections 67.5300 - 67.5320)

This bill creates the Small Wireless Facilities Deployment Act. A state, county, or municipal zoning or building permit authority must not prohibit, regulate, or charge for the collocation of small wireless facilities or small wireless facility networks. This bill defines "small wireless facility" and "small wireless facility network."

In addition, this bill provides that small wireless facilities and small wireless facility networks must be classified as permitted uses, and not subject to zoning, land use, or other similar requirements including height, setbacks, or any standards of a special or conditional use in all public rights-of-way and property of the zoning or building permit authority and other property not zoned exclusively for single-family residential use.

Building permits, encroachment permits to work within public rights-of-way, and other permits for the collocation of small wireless facilities and small wireless facility networks may be required if such permits are of general applicability to all users of any right-of-way. This bill specifies requirements for how the zoning or building permit authority must issue such permits.

This bill allows a communications facilities provider, communications service provider, or licensed contractor of either type of provider to collocate small wireless facilities and small wireless facility networks on public utility poles located within public rights-of-way, subject to reasonable rates, terms, and conditions. This bill specifies procedures regarding utility pole collocation requests, and the installation and operation of small wireless facilities and small wireless facility networks on public utility poles.

This bill also requires a zoning or building permit authority to authorize the collocation of small wireless facilities and small wireless facility networks on its structures not located within public rights-of-way to the same extent the zoning or building permit authority allows access to its structures for other commercial projects or uses, and the authority may allow collocations if the authority has not previously permitted access to a structure. This bill specifies how the rate for the collocation must be charged.

A zoning or building permit does not have the authority to have or exercise zoning or siting jurisdiction, authority, or control over the collocation of a small wireless facility located in an interior structure or upon the site of any campus stadium or athletic facility.

This bill provides that a communications service provider, a communications facilities provider, or a contractor of either type of provider must have, subject to the receipt of all permits and approvals, the right to construct, maintain, and operate conduits, poles, cables, wireless facilities, and related facilities along, across, upon, under, and over any public street, road, highway, or right-of-way.

A municipality or county of the first or second classification may charge fees to recover its right-of-way management costs. Such fees shall be based on the political subdivision's actual costs and not based on criteria such as the applicant's revenues, number of access lines, or number of customers.

This bill specifies that the authorization to regulate small wireless facilities and small wireless facility networks is declared to be an exclusive power and function of the state and shall not be exercised concurrently by any zoning or building permit authority except as permitted by this bill.

#### KANSAS CITY LIEUTENANT COLONEL (Section 84.514)

This bill allows the Chief of Police for the Kansas City Police Department to appoint a Lieutenant Colonel who will be responsible for matters relating to homeland security.

This provision is the same as HCS SB 676 and HB 2463 (2016).

#### COUNTY HEALTH ORDINANCES (Section 192.300)

Currently, both county commissions and county health center boards may make and establish orders, ordinances, rules or regulations under certain circumstances, but cannot conflict with any rules or regulations of the Department of Health and Senior Services or the Department of Social Services. This bill requires the county commission and the county health center board to be in concurrence when establishing health orders, ordinances, rules or regulations, except in the case of an emergency.

This provision is the same as SCS HCS HB 1912, HCS HBs 2188, 1533, 1393, 2114, and 2113 (2016), HCS HB 1823 (2016), SB 553 and HB 999 (2015) and similar to provisions in HCS SB 506 and HCS HB 1728 (2014).

#### DEPARTMENT OF TRANSPORTATION VEHICLES (Sections 304.022 and 307.175)

This bill adds motor vehicles and equipment owned by contractors that are performing work for the Department of Transportation that are stationary in a work zone when highway workers are present to the list of vehicles that are permitted to use flashing blue or red lights. Further, this bill adds stationary vehicles owned by a contractor performing work for the Department of Transportation to the list requiring specific safety procedures for drivers approaching such stationary vehicles.

This provision is similar to SB 1071 and HCS HB 1449 (2016).

#### KANSAS CITY LLCs (Section 347.048)

Currently, limited liability companies in Kansas City that own or rent real property or own unoccupied property within the city are required to file an affidavit with the city clerk specifying the name and address of a person with management control or responsibility for the real property. This bill requires that the filing shall include a street address and the person shall be a natural person.

The limited liability company shall file a successor affidavit within 30 days of a change in the natural person with management control or responsibility for the real property. The city cannot charge a fee for the filing of the affidavit or successor affidavit. If a limited liability company fails or refuses to file the affidavit, any person adversely affected by the failure or refusal, or the city, may petition the circuit court in the county where the property is located to direct the completion and filing of the affidavit.

This provision is the same as HB 1708 (2016) and HCS HB 864 (2015).

#### 26TH JUDICIAL CIRCUIT (Section 478.705)

This bill adds a circuit court judge to the 26th Judicial Circuit. The judge shall be elected in 2020, and until such time the Governor shall appoint someone to serve as judge.

This provision is similar to a provision in CCS HCS SCS SB 578 and SCS HCS HB 1759 (2016).

**PROPONENTS:** Supporters say that this bill is important because it allows counties to continue to decrease their annual budgets for another 10 years.

Testifying for the bill were Senator Sater and the County Commissioners Association of Missouri.

**OPPONENTS:** There was no opposition voiced to the committee.